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October 6, 2003

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Marlene H Dortch, Secretary Federal Communications Commission Office of the Secretary 445 12th Street, SW Washington, DC 20554

RE: CG Docket No. 02-278, FCC 03-153 – Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991

To Whom It May Concern

The American College of Cardiology (ACC) appreciates the opportunity to comment on the Federal Communications Commission (FCC) ruling on fax communications, as published in the July 25, 2003, *Federal Register*. The ACC is a 28,000-member nonprofit professional medical society and teaching institution whose purpose is to foster optimal cardiovascular care and disease prevention through professional education, promotion of research, and leadership in the development of standards and formulation of health care policy. ACC represents over 90 percent of the cardiologists practicing in the United States

The ACC joined with the American Society of Association Executives and other organizations in petitions for clarification and stay of the FCC's new fax rules. The ACC very much appreciates the FCC's action to delay the effective date of the prior written consent requirement until January 1, 2005

As stated in our petitions, the written consent requirement and elimination of the "established business relationship" exemption would substantially affect how the ACC and other nonprofit professional membership organizations communicate with their members. The ACC believes that these new rules will inconvenience our members, who expect to receive communications such as membership invoices, program registration forms, and informational faxes about educational offerings, products and services. These are the benefits of membership in a professional medical society.

The paperwork burden to obtain signed, written consent with designated fax numbers to which faxes may be sent, from ACC's 19,000 U.S. members,



Marlene II Dortch, Secretary October 6, 2003 Page 2

would certainly exceed the FCC's compliance estimate of one hour. Membership application and renewal forms will have to be modified, along with product order forms, website postings, registration forms, and the like. It also is probable that new computer programs would be required to log, track and maintain signed consent forms.

The ACC respectfully requests reinstatement of the "established business relationship" exemption and elimination of the signed, written consent requirement. We look forward to working with the FCC as you review all petitions and filings on this important issue Thank you for your consideration.

Sincerely,

Christine McEntee

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CEO

cc: Leslie Smith (Leslie.Smith@fcc gov)